

ENTERED

July 03, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

RUDY SILVAS ZAMORA III

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CRIMINAL ACTION NO. 2:19-CR-426

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There are no conditions or combination of conditions that would reasonably secure the presence of the Defendant; and
- (2) There are no conditions or combination of conditions that will reasonably assure the safety of the community.


The evidence against the Defendant is substantial. The Defendant possessed approximately 600 images of child pornography on his personal computer's hard drive.¹ The findings and conclusions contained in the Pretrial Services Report and the first addendum are adopted. The Defendant was convicted of indecency with a minor in 2002 and had a duty to register as a sex offender. While the Defendant complied with the

¹ The court notes that it incorrectly relied on the presumption in 18 U.S.C. § 3142(b)(3)(E) which is not applicable to this case, but the Defendant is facing a ten-year minimum mandatory prison term because of his prior conviction. 18 U.S.C. 2252(b).

requirement that he register his sex offender status annually on his birthday, he failed to report a change in his residence several months before his birthday. Coincidentally, the Defendant was arrested in March of 2018 at the same unreported residence where the child pornography images were stored. Such conduct reflects his willingness to protect the downloaded computer images.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 3rd day of July, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE